



**CITY OF KINGSTON PLANNING BOARD
MEETING MINUTES
May 11, 2015
Common Council Chambers – 6:00 PM**

NOTES: (1) These meeting minutes are a summarization of notes and not an absolute transcript of dialogue. (2) All public hearings are conducted after open public speaking and any comment received is included within the written section of the minutes. (3) In the absence of full Planning Board Members, or in the case of a necessary abstention, the Planning Board Alternates will participate in the vote in order of seniority.

A meeting of the City of Kingston Planning Board was held on May 11, 2015 in the Common Council Chambers at Kingston City Hall, 420 Broadway, Kingston, New York. The meeting was called to order at 6:00 PM by Chairman Wayne D. Platte, Jr.

BOARD/ALTERNATE MEMBERS PRESENT: Wayne D. Platte, Jr., Chairman; John Dwyer Jr, Vice Chairman, MaryJo Wiltshire, Charles Polacco, Robert Jacobsen, Jonathan Korn and Jamie Mills.

BOARD/ALTERNATE MEMBERS ABSENT: William Tubby.

STAFF PRESENT: Suzanne Cahill, Planning Director; Kyla Haber, Assistant Planner

GENERAL NOTES:

1. Pledge of Allegiance
2. Introduction of all Board Members and Staff Present
3. Identify exits, bathrooms, no elevator in case of emergency
4. Silence cell phones, conversations should be taken out of room
5. Respect speakers

REGULAR BUSINESS:

Item #1: Open Public Speaking (6:00P.M. – 6:15 P.M.)

Item #2: Adoption of the April 13, 2015 Planning Board minutes.

Discussion: Chairman Platte asked the Board if they had time to review the minutes and if there were any comments or corrections. The Board agreed that there were no proposed changes.

Decision: The Board voted unanimously to adopt the April 13, 2015 Planning Board Minutes. (WP, MW, JD, CP, RJ – yes)

PUBLIC HEARINGS:

Item #3: #68-70, 74 & 76-78 Fair Street LOT LINE DELETION of the Lands of Timand Bates & Monica Zimmers. SBL 56.108-2-10, 11 & 12. SEQR Determination. Zone R-2. Ward 5. Timand Bates & Monica Zimmers; applicant/owner.

NOTE: R. Jacobsen recused himself from the discussion to represent the applicant as legal counsel. Jamie Mills voted in his place. Maps were provided and signed by the Board Chairman at the meeting.

Discussion: No one spoke at the public hearing. Robert Jacobsen was present to represent the applicant. The application is to delete the lot lines between three parcels under one ownership. R. Jacobsen explained that the house and garage are on separate lots, as well as, property that once contained a second home but is now vacant and used as a yard for the owner. He explained that the owners wish to combine the lots because they have no plans of building on the lot and that they would like to combine them for tax purposes.

A map of "Lot Line Deletion" prepared by Christopher Zell, P.L.S. dated March 6, 2015 was presented to the Board. The map shows that the combined lots will equal .629 acres with 142' street frontage and a depth of 139.42' at its narrowest and 232.33' at its deepest point.

The resultant lot exceeds the size requirements of the zoning code.

The applicant is aware that the lot line deletion does not become final until it is filed with the Ulster County Clerk. The Ulster County Real Property Tax Agency will not make changes to the City's assessment maps until the map and new deeds are filed. Deeds for this deletion have already been filed and copies have been provided to the Planning Office for the file.

Written descriptions were reviewed and found acceptable.

This was considered an Unlisted Action under SEQR. A determination of environmental significance was discussed.

Decision: The Board voted unanimously to render a negative declaration of environmental significance and to approve the lot line deletion with Board Policy #6 as a condition of approval. (WP, JM, JD, MW, CP – yes)

Item #4: #71-105 Mary's Avenue SPECIAL PERMIT renewal/amendment for existing roof top antennas. SBL 56.41-3-1.110. SEQR Determination. Zone O-2. Ward 9. New Cingular Wireless PCS, LLC "AT&T"/applicant; Benedictine Hospital/owner.

Discussion: No one spoke at the public hearing. Tim Whalen was present to represent New Cingular Wireless "AT&T". The application was for an amendment and renewal of the special permit for rooftop cellular antennas for AT&T. The antennas are located on the Benedictine Hospital.

A plan was submitted to show the specifics of the installation. Staff circulated photos of the existing antennas. T. Whalen stated that three additional antennas will be added to the configuration bringing the total number from 9 to 12. The overall size and height of the configuration will not change. The leased area will not be increased either.

A structural analysis report, written by Thomas J. Bennett, PE, PMP, dated February 9, 2015, was submitted. Based on the analysis, the existing mounts and roof slabs are structurally sufficient to support the proposed equipment.

A certificate of liability insurance was submitted with the application naming the City of Kingston as additionally insured.

A term for the special permit was discussed. The previous term was for 5 years but the Board reviewed it earlier because of the amendment. The Board agreed to renew the permit for another 5 year term.

The action was considered an Unlisted Action under SEQR. A determination of environmental significance was discussed.

Decision: The Board voted unanimously to render a negative declaration of environmental significance and to approve the special permit for roof top antennas for a term of 5 years to expire on May 11, 2020. (WP, JD, MW, CP, JK – yes)

Item #5: **#135-145 Florence Street** SPECIAL PERMIT for cellular antennas on the water tower. SBL 48.74-4-14.200. SEQR Determination. Zone RR. Ward 7. New Cingular Wireless PCS, LLC “AT&T”/applicant; City of Kingston/owner.

Discussion: No one spoke at the public hearing. Tim Whalen was present to represent New Cingular Wireless “AT&T”. The application is to obtain a special permit for cellular antennas on the water tower owned by the Kingston Water Department. Staff explained that the antennas have been in place for a number of years, however, this is the first time the application is coming before the Planning Board. Staff believes that the lack of a special permit in the past was the result of an oversight of the City due to the fact that the property is owned by the City of Kingston. The application is before the Board at this time because the applicants are requesting an increase in the number of antennas.

Photos of the site and plans showing the existing and proposed equipment were circulated. T. Whalen explained that they are seeking approval to add 3 antennas, 6 Radio Remote Units (RRUs), and 6 twin tower mounted amplifiers (TMAs). There is no increase in the overall height of the structure because the antennas and equipment are added to the periphery of the water tower. All ground equipment will be added to the existing ground shelter area.

The proposal was reviewed by the Kingston Water Department for compliance with their lease agreement. J. Hansen, Supt. of KWD returned the following statement.

“AT&T has a lease with the KWD for cell tower sites on our Florence St. tank. They want to change out and upgrade their infrastructure on our tank. This is provided for within the lease agreement and we have no objections, in concept, to the work as it is within the terms of the lease. However, their proposed method of work is under review by our engineering consultants

to make sure that it does not damage the newly painted tank nor void the warranty. I am confident that this can be worked out to both parties satisfaction. However, it may not be done by your meeting on the 11th. If your Board is in a position to act favorably on their request, I suggest that it be conditioned upon our execution of the consent form for the work."

T. Whalen explained that their company had spoken with the Water Department regarding these issues and are in full agreement with their request. R. Jacobsen stated that the new antennas should be painted to match the tower.

A certificate of liability insurance was submitted with the application naming the City of Kingston as additionally insured.

A term for the special permit was discussed. Staff recommended a term to coincide with the term for the 105 Mary's Avenue antennas. The Board agreed to issue a 5 year term.

Decision: The Board voted unanimously to render a negative declaration of environmental significance and to approve the special permit for a period of 5 years to expire on May 11, 2020 with the following conditions: Compliance with Kingston Water Department terms of lease and final determinations made by their engineering consultants regarding potential damage; antennas painted to match the water tank, and Board Policy #6 – signature of compliance with approved plans. (WP, RJ, JD, MW, CP – yes)

Item #6: **#37 Broadway.** SPECIAL PERMIT renewal to rent out two rooms. SBL 56.43-5-22. SEQR Determination. Zone RT. Ward 8. Ruth Bendelius/applicant; Historic Rondout Properties, Inc./owner.

Discussion: No one spoke at the public hearing. Ruth Bendelius was present at the meeting. The proposal is for the renewal of a special permit to rent out two rooms. The name of the establishment is Miss Gussie Bug. The rooms are on the second floor of the building, each with their own bathroom. No kitchen area is provided. The rooms are rented out to "overnight transient tourists" along lines of a bed and breakfast. However, the original application and permit were granted prior to bed and breakfast legislation being adopted as part of the Zoning Ordinance.

The Board asked how the operations are being managed. R. Bendelius stated that she is overseeing all aspects of the operations. She stated to the Board that she is in the 21st year of renting Miss Gussie Bug.

Updated photos were submitted and reviewed by the Board.

A renewal term for the special permit was discussed. The last renewal was approved on July 2012 for a period of 3 years. Although the operation functions as a B&B, the owner sought approvals prior to the B&B zoning section being adopted, therefore the term of the permit has been extended beyond the typical 1 year maximum. The Board agreed to issue a 5 year term.

Because the special permit renewal involved no changes, and was purely an administrative action by the Board, it was categorized as a Type II action under SEQR, and therefore is predetermined to have no environmental impact and no SEQR review of the Board was required.

Decision: The Board voted unanimously to render the action a Type II under SEQR and to approve the special permit renewal for a period of 5 years to expire on May 11, 2020 with all original conditions carried forward and the stipulation that if ownership changes, the permit will be reviewed under the new owner. (WP, JD, MW, CP, RJ – yes)

Item #7: #322 Albany Avenue SPECIAL PERMIT renewal for a 3 room Bed and Breakfast. SBL 48.318-1-4. SEQR Determination. Zone R-2. Ward 2. Ryland Jordan; applicant/owner.

Discussion: Staff explained that the owner contacted the Planning Office to inform that he was unable to attend the May meeting because he was out of town. He requested that the Board table the application and place the item on the June agenda.

Decision: The Board voted unanimously to table the application. The item will be placed on the June 2015 meeting agenda. (WP, MW, JD, CP, JK – yes)

Item #8: #670 Broadway SPECIAL PERMIT establish an apartment in the C-2 Mixed Use Overlay District. SBL 56.25-1-19. SEQRA Determination. Zone C-2, MUOD, BOD. Ward 4. Rosa P. Merchan-Ayavaca; applicant/owner.

NOTE: Chairman Platte excused himself from the meeting. John Dwyer, Vice-Chairman, resumed the meeting.

Discussion: No one spoke at the public hearing. Rosa Merchan-Ayavaca and her son were present at the meeting. The applicants explained that they purchased the building and that they are seeking approval for an apartment on the second floor.

The application requires a special permit because of the building's location in the Mixed Use Overlay District. The apartment was previously rented as a boarding house but the previous owner terminated the use.

The building is two stories. The ground floor is commercial and the upper floor is one large, 3-bedroom apartment. A plan and photos were submitted showing the layout of the apartment. J. Korn stated that he felt that the bedrooms were on the smaller side. The Board asked how the apartment will be accessed. A separate door on Broadway will be used to enter the apartment.

Board Policy #6 will need to be signed.

A term for the special permit was discussed. The initial term for residential in the Mixed Use Overlay District is limited to 1 year. After the first year the Board can increase the term as they see fit.

Decision: The Board voted unanimously to render a negative declaration of environmental significance and to approve the special permit for a period of 1 year to expire on May 11, 2016 with the following conditions: compliance with the Landlord Registration requirement through the Building Safety Division, and Board Policy #6 – signature on final application. (JD, JK, JD, MW, CP – yes)

Item #9: **#50 & 86 Rondout Landing** SITE PLAN/SPECIAL PERMIT to renovate a former restaurant into a boat building school and cafe and to add a boat shed addition to the existing Maritime Museum (special permit is for the restaurant use in the RF-R zone). SBL 56.43-6-1.200 & 2. Zone RF-R, LWRP, HAC. Ward 8. Maritime Museum; applicant/owner.

Discussion: No one spoke at the public hearing. Dr. Jack Weeks, representative of the HRMM and Paul Jankovitz, project architect, were present at the meeting.

The Board reviewed the revised plans submitted by the Hudson River Maritime Museum (HRMM) to renovate the building formerly occupied by Rosita's Restaurant. The plans also include the addition of an open boat building shed to be constructed along the HRMM. The newly acquired building would be occupied by a boat building school with workshop space, classroom space, a café with food prep area, separate men and women's bathrooms with shower and dressing area accommodations for boaters to utilize as well as a small laundry room. Existing office space will remain for use by the newly established functions.

Exterior Building Modifications – Paul Jankovitz, AIA presented plans for the exterior changes to the Rosita's building. He explained to the Board that the Maritime Museum board had reviewed and made changes to the original façade plans. The exterior will be painted to mimic the colors of the recently constructed Clearwater building. The design ultimately eliminated the wood details from the entryway in an effort to reduce ongoing maintenance of the entrance.

Landscaping Plan – The applicants explained that there are no plans to landscape the property but that they would like to plant some large trees in the City median that could provide some shade along the front of the property. They explained that the nature of the property provides for very limited opportunity. Providing the street trees would enhance both the public thoroughfare, the trolley track and the new building occupancy.

The applicants and the Board were informed that section 405-31.1, RF-R Development Standards are required to be followed in this zoning district. Staff has reviewed the section and feels that the standards are being met. P. Jankovitz explained that there were some minor changes to the site plan including moving the refuse enclosures away from the front door of the building and relocating the main gate to be more accessible for the site.

Dr. Weeks told the Board that the site will largely be open to the public at all times. Visitors will be separated from work areas for their safety but site will be able to walk along the water and enter the site at all times. He added that with the new uses, the HRMM hoped to be able to keep the museum and the operations open year-round. He said that he was unsure whether the café would be seasonal and that would ultimately be determined by a tenant.

The Board asked about storage and deliveries. Dr. Weeks explained that the main area for storage would be under the proposed shed. Some materials will be stored within the building as well. Deliveries will take place along Dock Street and will be brought right inside the shed for storage. The café deliveries have not been determined because the tenant is yet to be confirmed but they will likely mimic the deliveries that took place when the building was occupied by Rosita's.

Restrooms – The Board asked about the restroom facilities and how they will be managed. P. Jankovitz stated that the restrooms will be utilized by all uses within the building. Showers and a laundry room will be available for boaters. After hours, boaters at the docks will receive an access code to enter the building, showers, and laundry. The remaining portions of the building will be closed and locked.

J. Dwyer asked whether the railings would remain along the bulkhead. Dr. Weeks stated that the HRMM plans to remove the railings and add 12"x12" pressure treated wood to the top of the bulkhead to match the existing HRMM and the City sections of the walkway. He explained to the Board that the current railing is not very secure and that there is potential for someone to lean on it and fall. He also explained that they will likely need the increased access to be able to lift vessels in and out of the water.

Café – The café portion of the application will require a special permit by the Planning Board. The café will likely be leased to another party for operation. Dr. Weeks stated that the HRMM has been in contact with local restaurants to see if they would have interest. At this time there are no definite plans. They hope that the tenant will utilize some of the HRMM's artifacts within the space to bring the café together with the boat building use. A portion of the outdoor patio will be set aside for utilization by the café. Health Department permitting and a liquor license, if pursued, will be required and once issued, copy should be provided for the record.

Outdoor work space – Outdoor work space will occupy a portion of the patio. The Board asked how visitors will be separated from work areas. Dr. Weeks stated that they will have temporary fencing that will be added when work is being done and removed when deemed unnecessary. A dust collector will be located on the exterior of the building and will be enclosed to cut down on noise. Dr. Weeks stated that outdoor work will not be ongoing. Most work will be within the building on smaller boats and materials. The outdoor space will only be used when indoor is not possible and weather permits. Outdoor work will also enhance public interest.

Refuse & Recycling – A wooden refuse enclosure will be located along the street adjacent to the proposed shed. This will be used mainly for boat building scraps and potentially for the café. Dr. Weeks expressed interest in utilizing a City dumpster and City pickup for the café.

Additional dock space will allow for use by the crew teams, boaters, and additional cruise ships. Dr. Weeks stated that the HRMM hopes that Kingston would become a refill port for cruise ships. He told the Board that years ago, ships would dock and have buses meet the visitors to take them across the river to Dutchess County for the mansions. Now, cruisers are getting off the boats and visiting the museums, shops and restaurants in the City.

Lighting & Signage – Signage was shown on the elevation plans. All signage will be wall mounted reading "Riverport Boat Building School" on both the street and creek sides of the building. Signage will be externally illuminated with gooseneck LED wall mounted lights. Café signage has not been decided at this time. The Heritage Area Commission will need to approve all exterior changes. The plan also include streetlights located along the walkway.

Parking – There is no parking on the site. The parking requirement for the site has been reduced under the new configuration of uses.

Lot Line Deletion – Staff explained that the new boat shed along the HRMM does not meet the setback requirements for the RF-R zone. Side yard setbacks are 12 feet with 0 feet proposed. The applicants will be returning in the future to seek a lot line deletion. In the meantime, to allow construction to move forward, the applicant are seeking an area variance from the setback requirement and will submit a cross easement agreement for the crossing of property lines.

The applicants were aware that Heritage Area Commission approval is required and have been in discussion with the commission to move forward.

Board Policies – #4 & 4a – lighting levels and corrections if necessary, #6 – signature on final plans, #7 & 7a – approvals and applied contingencies limited to 1 year, #10 – banners and flags prohibited, #11 – window signage limited to 20%, #12 – emptying of dumpsters between regular business hours, #14 – dig safely, #19 – compliance with noise ordinance.

The project was considered an Unlisted Action under SEQR. A determination of environmental significance was discussed.

Decision: The Board voted unanimously to render a negative declaration of environmental significance and to approve the site plan for the “Riverport Boat Building School”, the construction of the boat shed, and the special permit for the café for a period of 1 year (expiring on May 11, 2016). The following conditions were applied to the approvals:

- Compliance with section 405-31.1 of the zoning code,
- An area variance for setbacks and cross easement agreement for the boat shed,
- Knox Boxes added to buildings for emergency access by the Fire Department,
- Approval by City staff for landscaping of the medians in front of the building.
- Approval by the Heritage Area Commission for Coastal Consistency
- Board Policies: #4 & 4a – lighting levels and corrections if necessary, #6 – signature on final plans, #7 & 7a – approvals and applied contingencies limited to 1 year, #10 – banners and flags prohibited, #11 – window signage limited to 20%, #12 – emptying of dumpsters between regular business hours, #14 – dig safely, #19 – compliance with noise ordinance.

(JD, RJ, MW, CP, JK – yes)

NOTE: Chairman Platte returned to the meeting.

OLD BUSINESS:

Item #10: **#336 Broadway** SPECIAL PERMIT renewal to operate an automotive repair facility. SBL 56.26-11-12. SEQR Determination. Zone C-2. Heritage Area. Ward 9. Robert Kerrigan; applicant/owner.

Discussion: No one spoke at the public hearing. Robert Kerrigan was present at the meeting. The renewal of the special permit is for operation of an automotive repair business. Auto repair is only allowed in a C-2 zone by special permit. The permit was initially approved in Dec. 2002 and has been renewed periodically for 2 and 3 year terms. The most recent renewal was in 2013

for a period of two years. The Board tabled the application at the April 2015 meeting because the applicant was not present.

The applicant confirmed that there were no changes to the special permit. The hours of operation are Mon-Fri from 8:00AM-7:00PM. The Board reminded the applicant that no work on vehicles should be conducted outdoors. R. Kerrigan confirmed that he is compliant with this stipulation.

A police incident report was received from KPD. Staff advised the Board that there was only 1 incident in December 2014 responding to a commercial alarm.

The Ordinance for the C-2 zone requires that vehicles, which are stored for repair, must have a valid registration and may not remain for more than one week. (Section 405-17 C (5)).

Section 405-33 of the Zoning Ordinance places restrictions on public garages and service stations. All automobile parts, wrecked or damaged motor vehicles or similar articles shall be stored within an approved enclosed area. Major repair work may be carried on outdoors where it is impracticable to do such work within a building, but in no case shall any vehicles requiring such work be stored outdoors for a period exceeding 30 days. Gasoline or oil sales, changing of tires and other similar automobile servicing shall not be considered to be major repair work.

A term for the special permit was discussed. The previous term was for a period of two years. The Board agreed to issue another 2 year term.

A determination of environmental significance was discussed. Because the project involved no changes and was purely an administrative act of renewal, it was categorized as a Type II action under SEQR, and therefore no further SEQR review of the Board was required.

Decision: The Board voted unanimously to render the action a Type II under SEQR and approve the special permit for a period of 2 years to expire on May 11, 2017 with all original conditions carried forward. (WP, CP, JD, MW, RJ – yes)

Item #11: #187-189 O'Neil Street SPECIAL PERMIT renewal for Residential Care/Assisted Living Facility. SBL 48.318-6-22. SEQR Determination. Zone R-2. Ward 5. Family of Woodstock; applicant/owner.

Discussion: No one spoke at the public hearing. Michael Berg, Executive Director of Family of Woodstock, was present at the meeting. The application was submitted for the renewal of a special permit for a residential care/assisted living facility for homeless adolescents and when necessary, their infants. The facility is currently licensed to house a maximum 6 youth, along with three infants at any one given time for up to 18 months. Youth who enter the program at age 16 are allowed to stay up to 24 months in order to complete their high school education. The facility is staffed 24 hours a day, 7 days a week. The initial permit was issued in March 2007 with the most recent renewal in April 2014. The application was tabled at the April 2015 meeting because the applicant was not present.

The facility has been a New York State Licensed Runaway and Homeless Youth Transitional Supervised Living program for adolescents 16-21 years of age. The facility, called Midway I, offers crisis intervention; individual and family counseling; life skills training; job preparedness instruction; vocational and employment assistance; parenting instruction; and assistance with locating permanent housing as well as aftercare.

M. Berg stated that there were no changes to the permit or the facility. The facility is staffed 24 hours a day, 7 days a week with 4 full time and 1 part-time employee. There are no changes to the permit.

A police incident report was received from the police department. Staff explained that there were 11 incidents reported within the last year; missing person, larceny, alarm, warrant check, car lockout, and suspicious condition.

Staff informed the Board that there were no outstanding complaints or violations. The property is landlord registered with the Building Safety Division.

The applicant was aware that use requires that the home be registered with the City Clerk as stipulated in Section 405-9B (7) (g).

The Board discussed the term for the permit. Section 405-12 (11) of Zoning, stipulates that the term for a residential care/assisted living facility cannot be issued or renewed for a period longer than one year. The Board agreed to the full 1 year.

The proposal was considered as a Type II Action under SEQR. 6NYCRR Part 617 of SEQR Law 617.5 (c)(26) states that "license, lease and permit renewals, or transfers of ownership thereof, where there will be no material change in permit conditions or the scope of permitted activities".

Decision: The Board voted unanimously to render the action a Type II under SEQR and to approve the special permit for a period of 1 year to expire on May 11, 2016 with all original conditions carried forward. (WP, RJ, JD, MW, CP – yes)

Item #12: #38-50 Thomas Street SPECIAL PERMIT renewal for emergency shelter use. SBL 56.25-4-44. SEQR Determination. Zone O-3. Ward 5. Family of Woodstock; applicant/owner.

Discussion: No one spoke at the public hearing. Michael Berg, Executive Director of Family of Woodstock, was present at the meeting. The special permit renewal was for operation of an emergency shelter run by Family of Woodstock. The permit was first approved in July 2001, and was most recently renewed in April 2014 for a 1 year term. Under Zoning, annual renewals are required. The application was tabled at the April 2015 meeting because applicant was not present.

The shelter is broken up into the Darmstadt Shelter (40 Thomas) and the Family Inn (38 Thomas). Although both buildings are on one parcel, there are two addresses for purposes of 911 and emergency response systems. The applicant stated that there are no changes to the conditions of the original permit.

The Darmstadt Shelter employs 12 full-time and 1 part-time employee. The shelter offers a clean and sober living environment for up to 19 men and women for up to 90 days. Services include crisis counseling, case management, parenting education, domestic violence information, life skills and work training, etc.

The Family Inn, an emergency shelter for families, employs 12 full time staff and 3 part time staff. This facility provides shelter and case management for families and, when necessary, homeless single females.

The applicant submitted a detailed narrative prior to the meeting stating the 2014 accomplishments of the program for the Darmstadt and Family Shelters. The Darmstadt Shelter provided 61 men and 75 women with 6,320 nights. The average stay was 46.5 days (91% occupancy). There were 22,560 meals served at the facility. The Family Inn, the emergency shelter, provided shelter and case management for 165 individuals, including 55 families with 99 children and 4 single individuals for a total of 7,833 nights.

M. Berg explained that he has been approached by Ulster County with a request to change the occupancy of the Darmstadt Shelter from adults to families. He explained that the County is experiencing a high number of families with children needing long term housing and that the current situation is resulting in these families living in hotel rooms. He added that he plans to be back in front of the board with a formal application for the change and for the creation of recreation space for the additional children. The Board reviewed draft plans presented by M. Berg. It was noted on the plans that a fence is to be added to the site as well. M. Berg stated that the fence is being proposed for safety reasons because vehicles have driven across the property. The Board agreed that they had no issue with the addition of the fence.

A police incident report was received from the KPD. There were 27 incidents were reported in the last year consisting of patrol requests, alarms, disputes, warrants, larceny, and unwanted subjects. This number is more than previous years 19 in 2014 and 8 in 2013.

The Board discussed the term for the renewal. Emergency shelters have a maximum term of one year under the Zoning Ordinance. The Board agreed to the 1 year term.

A determination of environmental significance was discussed. Because the project involves no changes and is purely an administrative act of renewal, it can be categorized as a Type II action under SEQR, and therefore is predetermined to have no environmental impact and no SEQR review by the Board is required.

Decision: The Board voted unanimously to render the action a Type II under SEQR and to approve the special permit for an emergency shelter for a period of 1 year to expire on May 11, 2016 with all original conditions carried forward. (WP, RJ, JD, MW, CP – yes)

NEW BUSINESS:

Item #13: **#63 North Front Street** SITE PLAN to establish rooftop dining on an existing building. SBL 48.314-2-15. SEQR Determination. Zone C-2. Ward 2. George Lewandowski; applicant/owner.

Discussion: George Lewandowski was present at the meeting. The application was submitted to establish a rooftop patio on the “Frogmore Tavern” for seasonal outdoor dining. The plans include installation of a wood deck on top of the existing flat roof.

The Board reviewed plans for the deck. Footing and framing details were included as well. The overall size of the deck is 38’x36’ (1368sf) and will hold approximately 49 patrons. A bar will also be added to the roof and new stairs will be added to access the roof from within the building. A fire rated door and exit signs will be added as well. There will also be steel emergency exit stairs in the rear of the building to be used in case of emergency.

R. Jacobsen asked what the deck material will be. G. Lewandowski explained that steel support will be added to the roof but that the deck will be made of wood or Trex. He is leaning toward wood because Trex gets very hot in the sun.

J. Korn asked whether there will be umbrellas on the roof to shield patrons from the sun. G. Lewandowski explained that he had originally proposed umbrellas but that the Historic Landmarks Preservation Commission reviewed his plans and did not approve the use of umbrellas. He also stated that the HLPC did not approve the style of fencing that was included on the plans. The HLPC did approve the patio and the new stairways, but asked the applicant to come back with alternate plans for screening the sun and the railings. R. Jacobsen asked whether the HLPC had binding authority or whether they were advisory. Staff explained that the HLPC is listed as a review board under the zoning code and are not advisory to the Planning Board. The Planning Board felt that the umbrellas would be a welcomed addition to the rooftop and would not conflict with the historic character.

The Board asked about lighting. G. Lewandowski explained that he plans to add solar lighting to the railing around the patio and post style lights for additional lighting. There will be no outdoor heating devices used and the patio will only be used seasonally.

The fence presented on the plans was to be a decorative wood fence added to the perimeter of the deck. The railing would be a minimum of 36”. G. Lewandowski explained that he would be changing the style of the fence based on feedback from the HLPC.

There are currently 24 people employed by the restaurant with plans to employ approximately 6 more after completion of the roof patio.

The owner was made aware of the noise ordinance. He explained to the Board that he has no plans for live music or other loud performances but that he would like to have a sound system playing soft music to help cover the street noise and the sound of the air conditioners and exhaust fans. There are no immediate residential neighbors, however, there are residential apartments in the vicinity.

The parking requirement for the restaurant was discussed. The zoning code requires 1 space per 3 seats which would total 16 additional spaces for the rooftop patio. There is no parking on the site but there are municipal lots in the immediate vicinity. The Board agreed to waive the additional spaces.

The action was considered a Type II action under SEQR 6NYCRR Part 617 of the SEQR Law 617.5 (c) (7) construction or expansion of a primary or accessory/appurtenant, non-residential structure or facility involving less than 4000 square feet of gross floor area...". Therefore, the action was predetermined to have no environmental impact with no further SEQR review required.

Decision: The Board voted unanimously to render the action a Type II under SEQR and to approve the site plan for rooftop patio dining with the following conditions: the applicant will return to the Planning Board with final details for fencing and other exterior appurtenances, and Board Policies #6 – signature on plans, and #19 – compliance with noise ordinance. The Board also voted to waive the requirement for 16 additional parking spaces. (WP, RJ, JD, MW, CP – yes)

Item 14: **#8-14 North Front Street** SITE PLAN to establish assembly space in an existing commercial space. SBL 48.331-3-2. SEQR Determination. Zone C-2, Stockade Historic District, HAC. Ward 2. Front & Fair, LLC; applicant/owner.

Discussion: Paul Jankovitz was present at the meeting. He explained that the application is for an amendment to the approved site plan for assembly space to create a kitchen for food service, a separate coat check, and bathrooms.

Plans were submitted showing the changes to the floor plan. The owners are hoping to use the space for private parties, conferences, etc. P. Jankovitz confirmed that the space will only be used for special events and will not be open to the public as a bar or restaurant. He added that the space has a maximum occupancy of 300 people.

Staff explained that the original amendment application included installation of a number of wall mounted lights around the exterior of the building. Staff advised the applicant that because the installation would be lighting the grounds of the Senate House State Historic Site, acknowledgment and approval from the State would be necessary. The applicant withdrew the lighting portion of the proposal at this time.

Approval from the Health Department is necessary for the food prep area and a liquor license may be required depending on the final plans for serving alcohol.

No signage was proposed.

A resolution was prepared for the Board's consideration to amend the original negative declaration of environmental significance based on the changes having no substantial environmental

Decision: The Board voted unanimously to adopt the resolution to amend the negative declaration of environmental significance and to approve the amendment to the site plan for assembly space to create a kitchen for food service, a separate coat check, and bathrooms with the following conditions: installation of a Knox Box for emergency access by the Fire Department, and Board Policies #6 – signature on final plans, and #19 – compliance with the noise ordinance. The Board acknowledged the waiver of the parking requirement for the assembly space. The approval does not include installation of exterior lighting to illuminate the grounds of the Senate House State Historic Site. (WP, RJ, JD, MW, CP – yes)

DISCUSSION:

Item #15: **#20 Cedar Street** SITE PLAN/SPECIAL PERMIT to demolish the existing commercial building and construct mixed use, multi-story building. SBL 56.109-4-2.100. SEQR Determination. Zone O-2. Ward 4. RUPCO/applicant; Ferraro Mid City Lanes/applicant.

Discussion: Kevin O'Connor, Exec. Director and Charles Snyder, of RUPCO, and Scott Dutton, project architect, were present at the meeting to present a proposal to the Board. The discussion included a visual presentation of preliminary plans for a multi-story, mixed use development. K. O'Connor introduced the project stating that RUPCO was approached by the City of Kingston to look at utilization of the former Kings Inn site for a possible mixed use development which would include space on the ground floor for various civic organizations. He explained that the Kings Inn site was ultimately determined to be problematic for a number of reasons but that their research led them to the former bowling alley site.

S. Dutton presented a series of preliminary views of the proposed building and site plans. He explained that the proposal would include demolition of the former bowling alley and construction of a multi-story mixed use building. The building would vary in the number of floors to better fit the context of the surrounding neighborhood. Portions would be 3-stories, 4-stories, and 5-stories. The building would also have differing facades to give the feeling of separate buildings and to mimic the streetscapes in the area.

S. Dutton went on to explain that the goal of the applicant is to create a net zero energy building with photovoltaic panels on the roof and over portions of the parking area. The site would also include a raised green space that could be utilized by the tenants or at times could hold functions.

The building would be located along Cedar Street with parking in the rear of the building along Greenkill Avenue. There would be multiple ways to access the parking area. Parking would also be developed beneath the raised green space in the rear to help off-set the needed number of spaces.

S. Dutton told the Board that the current placement of the property is within the O-2 Limited Office District. The owners are seeking a zoning change from the O-2 to a C-2 Commercial District. The C-2 designation would allow for more flexible use of the property including retail, service businesses, arts and craft studios or studios for teaching performing arts, restaurants, etc. The property is currently zoned with a designation in the Mixed Use Overlay District which allows for residential on the upper floors of the building.

K. O'Connor stated that he has been in discussions with various civic entities that are interested in acquiring different space. The Center for Creative Education has approached them for a new larger space and UC Community Action is looking to move from Lindsley Avenue. He stated that he has also been in preliminary discussions with the Food Hub for a possible market/farm to table/incubator use but that nothing has been finalized at this time.

The Board asked about the affordable housing designation. K. O'Connor said that the rental units would be for low to moderate income levels. The units will range from income limits of 60% - 90% of the median income. He added that there is a possibility to mix in some market rate apartments as well. However, this housing structure is dependent on funding sources. The units will have the flexibility to turn to market rate to allow for income growth of tenants. Tenants will not be asked to leave if their income rises above the affordability limits but their rent will change accordingly.

W. Platte asked what the timeline would be if funding were received. K. O'Connor answered 18-24 months.

S. Cahill explained to the Board that the first step in the review process is to recognize that the project is considered a Type I Action under SEQR due to the owner's request for a zoning change and the project location across the street from UPAC which is a Nationally Recognized Historic site. A resolution was prepared for the Board's consideration to seek Lead Agency status in the SEQR review. The Board agreed to seek Lead Agency.

Decision: The Board voted unanimously to adopt the resolution to seek Lead Agency in the SEQR review for 20 Cedar Street. All materials will be circulated to Involved and Interested Agencies. (WP, JD, MW, RJ, JK – yes)

May11.15/MINUTES